

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Gary Christopher McLamb

Docket No. 5:08-CR-348-1BO

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gary Christopher McLamb, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition By a Felon, 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on April 21, 2009, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Gary Christopher McLamb was released from custody on July 14, 2017, at which time the term of supervised release commenced.

On April 22, 2018, the court was notified that while at the treatment provider on April 17, 2018, the defendant attempted to provide a urinalysis using a small bottle filled with another person's urine. After being caught, on April 19, 2018, the defendant signed a Drug Admission form indicating he used marijuana prior to his urinalysis on April 17, 2018. The probation office recommended that he be continued in the Surprise Urinalysis Program and afforded an opportunity to participate in substance abuse treatment with no further action taken by the court at this time. The court concurred.

On May 31, 2018, the court was notified that the defendant submitted a urinalysis on May 24, 2018, that returned positive for marijuana on May 29, 2018. The defendant was verbally reprimanded for his poor decision to use an illegal substance. To address this non-compliance, the probation office recommended that he be continued in the Surprise Urinalysis Program, substance abuse treatment with increased frequency, and given a written assignment to explore how his thinking controls his behavior without any further court action at this time. The court concurred.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 9, 2018, the defendant provided a urinalysis that returned positive for marijuana on July 13, 2018. When confronted, the defendant signed a Drug Admission form indicating that he used marijuana prior to the urinalysis on July 9, 2018. To address this non-compliance, the probation office is recommending that he be continued in the Surprise Urinalysis Program, substance abuse treatment and complete 20 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 20 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Maurice J. Foy
Maurice J. Foy
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8678
Executed On: July 24, 2018

ORDER OF THE COURT

Considered and ordered this 27 day of July, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge